

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FILED

99 AUG 10 PM 3:05

LANCE S. WILSON

JIMMIE DAVIS
Petitioner

CASE NO. CV-N-99-137-ECR (PHA)

MOTION CONCEDED TO THE
DISMISSAL OF GROUND 2 (b-d)

V.

JOHN IGNACIO et al.,

MOTION CONCEDED TO THE
DISMISSAL OF GROUND 2 (b-d)

Petitioner JIMMIE DAVIS IN PROPER PERSON NOW
SUBMITS A MOTION CONCEDED TO THE DISMISSAL OF
GROUND 2 (b-d) PURSUANT TO THE COURT'S MEMORANDUM
DECISION AND ORDER ENTERED AND FILED AUG. 2, 1999 AND
SERVED ON 8-2-99. AND THE REASONS SET FORTH BELOW.

Respondents requested that Grounds 1, 2(b), 2(c) and
2(d) be dismissed with prejudice in THEIR RESPONSE
TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. 2254 BY A PERSON IN STATE CUSTODY. ~~Respondents~~
Respondents in same motion withdrew their request to
dismiss the instant petition as a mixed petition, and
requested leave of ~~the~~ the court to respond to
the two remaining grounds. THE COURT GRANTED
the respondent motion in its order dated JULY 30,
1999 and entered and served on 8-2-99. So for the
for going reasons set below petitioner concedes
to the dismissal of Ground 2 (b-d) and asks the
court to issue an order giving respondents leave

OF THE COURT TO RESPOND to the two remaining grounds.

Petitioner concedes because:

1. The inmate who was assisting me went home and took all THE FILES THAT and OF THE INMATES cases he was working on HOME WITH HIM, DAVIS being one of the cases. THOUGH THIS IS NOT A W excuse and of no importance to the court petitioner must give his reason for a somewhat LAYMAN interpretation of THE courts order. Petitioner only knows that he must file within 20 days conceding to the dismissal of Ground 2 (b-d) if he CAN not over come the applicable procedural bar to the claims stated in the courts order.

Dated this 6 day of AUG 1999.

Respectfully Submitted

JIMMIE DAVIS 27362

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P.O. BOX 607

CARSON CITY NEVADA

89702

CERTIFICATE OF MAILING

JIMMIE DAVIS SAYS:

ON the 6 day of AUG 1999, I deposited in the
Nevada STATE Prison MAIL one original and copies to THE
Below listed ADDRESSES: Motion conceding to the
DISMISSAL OF Ground 2 (b-d).

CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
400 SOUTH VIRGINIA ST. ROOM 301
RENO NEVADA 89501

1030

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
555 E. WASHINGTON AVENUE, SUITE 3900
LAS VEGAS NEVADA 89101

Dated this 6 day of AUG 1999

Jimmie Davis
JIMMIE DAVIS 27362
NEVADA STATE PRISON
P.O. BOX 607
CARSON CITY NEVADA
89702